

JAN 14 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

THOMAS RONYAK, an individual,

Plaintiff - Appellant,

v.

VERDE VALLEY MEDICAL CENTER,
an Arizona Corporation,

Defendant - Appellee.

No. 07-15556

D.C. No. CV-04-00728-MHM

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Arizona
Mary H. Murguia, District Judge, Presiding

Submitted December 17, 2008^{**}

Before: GOODWIN, WALLACE, and RYMER, Circuit Judges.

Thomas Ronyak appeals pro se from the district court's summary judgment for his former employer, Verde Valley Medical Center ("Center"), in his action raising a claim under the Age Discrimination in Employment Act ("ADEA"). We

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

have jurisdiction pursuant to 28 U.S.C. § 1291. We review de novo, *Diaz v. Eagle Produce Ltd. P'ship*, 521 F.3d 1201, 1207 (9th Cir. 2008), and we affirm.

The district court properly granted summary judgment because Ronyak failed to establish that he was performing his job satisfactorily when the Center fired him. *See id.* at 1207-08 (applying burden-shifting framework of *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973) to ADEA claims; explaining that a plaintiff can establish a prima facie case of disparate treatment by demonstrating that he was (1) at least forty years old, (2) performing his job satisfactorily, and (3) discharged, (4) under circumstances giving rise to an inference of age discrimination; and affirming summary judgment for employer because plaintiff failed to create a triable issue concerning whether his job performance was satisfactory).

AFFIRMED.